

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

BAGLY, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES, *et al.*

Defendants.

C.A. No. 20-cv-11297-PBS

REPORT ON STATUS OF PROPOSED RULEMAKING

Pursuant to this Court’s Order, ECF No. 114, Defendants submit this report on the status of the proposed rulemaking. On August 4, 2022, a proposed regulation implementing Section 1557 of the Affordable Care Act was published in the Federal Register. Nondiscrimination in Health Programs and Activities, 87 Fed. Reg. 47,824 (Aug. 4, 2022). The United States Department of Health and Human Services (“HHS”) sought comment on all issues raised by the proposed regulation. The comment period recently closed, on October 3, 2022. According to regulations.gov, HHS has received more than 85,000 comments on the proposed regulation.

Dated: November 30, 2022

Respectfully submitted,

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